

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

AUG 30 2016

BY  
DEPUTY

Jeremy Wimberly

PLAINTIFF

1:16cv161

v.

civ. ~~XXXXXX~~ 272

Michelle Englade ET AL.

1983, 1985 2, 1985 3, 1986

Defendant

BIVIN'S ACTION

MOTION TO TEMPORARY STAY THE PROCEEDINGS:

TO THE HONORABLE JUDGE OF SAID COURT:

Comes Now, Jeremy Wimberly, the Plaintiff, pro se, respectfully moves this Honorable Court to temporary stay the proceeding. In support thereof, Plaintiff will show this court as follows:

1. On August 23, 2015, the Plaintiff placed his Civil Suit in the above cause of action, in the Prison Mailbox at U.S.P. McCrary

2. The Plaintiff's Civil Suit has approximately 35 defendants from several different County, State, Federal Agencies.

DELL  
U.S. DISTRICT COURT  
THE STATE OF TEXAS

STAYS DE JUDG

3. The Plaintiff has had a very limited amount  
of time in a law library within the past 9 months.

4. The Plaintiff's Civil suit involves multiple Agency's  
from multiple jurisdictions. And the Plaintiff is  
still currently in the process of exhausting.  
And he would like to respectfully request for this  
Honorable Court for a stay to the proceedings until  
he is done exhausting.

5. Upon completion of exhausting. The Plaintiff  
will notify this court and request to lift  
the stay.

6. This motion is made in the interest of justice  
and not meant to delay the proceedings.

Wherefore, based on the above, Jeremy Wimberly,  
the Plaintiff, urges this Honorable Court to  
GRANT this motion to temporary STAY the  
proceedings. under penalty of perjury 28 U.S.C. 1746  
Respectfully submitted on this 23 day

OF MAY 2016

JEREMY WIMBERLY 0894678 People  
U.S.P. McAuley  
P.O. Box 3000  
P. re L.R.L. 47625 X / Jeremy Wimberly

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

JEREMY WIMBERLY

PLAINTIFF

CIV-

1983) 1985(e) 1985(g) 1986)

1/ Bivins Action

Defendant's

Michelle Englae. Assistant United States Attorney Beaumont TX. Div.

Robert Strause. narcotics LT. For Orange Co. Sheriff's dept.

Tracy Sorge. narcotics Sergeant Orange Co. Sheriff's dept.

Philip Smith. DEA Agent For Beaumont TX. Division

Thomas Burbank. C.J.A. Attorney

Mitch Templeton. C.J.A. Attorney

Baylor Wortham. Assistant U.S. Attorney for Beaumont TX. Div.

Dewayne Perkins. Narcotics Officer for Orange Co. Sheriff's Dept.

Lauren Gaston. Assistant U.S. Attorney for LUFKIN TX. Div.

Robert Wells. Assistant U.S. Attorney for LUFKIN TX. Div.

Christina Bickham. Court Reporter. U.S. Dist. Court BMT. Div.

William Barlow. Attorney for U.S. witness Chris Kelley

Jessica Smith. United States witness

Anthony Elias. United States witness

Chris Kelley. United States witness

John Tarver. Chief. For the orange co. Sheriff's dept.

Jimmy SAMUAL united states witness

Affora TULLOS. Confidential informant for DEA & u.s. attorney's office

Keith Merritt. Sheriff for ORANGE CO. Sheriff's dept.

Laughlin. narcotics officer for ORANGE TX.

McBride A.T.F. Agent for BEAUMONT TX. DIV.

Cedeaux. K-9 officer for BEAUMONT city police

Bonner. C.J.A. Attorney for u.s. witness Anthony Elias

Clark Deputy for the Orange co. Sheriff's dept.

unknown name. Captain for the ORANGE CO. Sheriff's Dept.

John Bales

unknown name. United states attorney. for BEAUMONT TX. DIV.

unknow name. United states attorney. for LUFKIN TX. DIV.

UNKNOWN NAME. ASSISTANT U.S. ATTORNEY. SUPERVISOR. BEAUMONT TX. DIV.

UNKNOWN NAME. ASSISTANT U.S. ATTORNEY. SUPERVISOR. LUFKIN TX. DIV.

UNKNOWN NAME. DEA. SUPERVISOR. FOR BEAUMONT TX. DIV.

UNKNOWN NAME. A.T.F. SUPERVISOR. FOR BEAUMONT TX. DIV.

UNKNOWN NAME. C.J.A. ATTORNEY. FOR U.S. WITNESS. JESSICA SMITH

UNKNOWN NAME. ATTORNEY FOR U.S. WITNESS. JIMMY SAMUAL

UNKNOWN NAME. DEA AGENT. AT U.S.P. POLLACK IN DECEMBER 2015

UNKNOWN NAME. DEA LAB TECH

TWO UNKNOWN INVESTIGATOR'S AT U.S.P. POLLACK DECEMBER 2015

And others both known and unknown at this time.

## INTRODUCTION

Comes now, Jeremy Wimberly. The above named Plaintiff. In the above named Cause of Action. 1983, 1985(a), 1985(g), 1986, Bivins Action.

Is pursuing this claim Against the above named defendants. In their individual and official capacity. While working under the color of County, State and Federal law. It's customs and policies, Rule's and regulations. Where he is entitled to redress.

Each of these named defendants job titles that they were working under and shielded by, at all times relevant to this action. Are listed by their names within the caption this action. This action is in relation to Criminal cause # 1:13-cr-1101-RC-KFG

## JURISDICTION

Jurisdiction can be found pursuant to 18 United States Code 1331. As this court

is within the bounds of the United States of America.

In addition, venue is proper, as these actions occurred in the EASTERN DISTRICT OF TEXAS.

However, the plaintiff is currently sitting in diversity, in Pine Knot Kentucky. He is an American citizen.

## FACTS

(1) At all times relevant to this action the above named defendants were partners in a conspiracy to deprive the plaintiff of his liberty interest that was suppose to be secured to him by the 14<sup>th</sup> Amendment of our United States Constitution.

(2) At all ~~times~~ times relevant to this action the above named defendants deprived the plaintiff of his life and liberty interest without the Due Process and Equal protection's of the laws.

(3) At all times relevant to this action the above named defendant's deprived the plaintiff of his 4<sup>th</sup> Amendment right to privacy and 14<sup>th</sup> Amendment right to due process and equal protection of the law. After they conducted a false arrest ~~and~~ ~~detain~~ defendant and then ultimately used ~~justified~~ facts within an affidavit to obtain a warrant to audio record the plaintiff.

(4) At all times relevant to this action the above named defendant's deprived the plaintiff of his 14<sup>th</sup> Amendment right to due process and equal protection of the law. After they used the presentation of fabricated and misleading evidence to a Federal grand jury in order to establish probable cause to obtain an indictment against the plaintiff. And without the fabricated and misleading evidence then there would not have been probable cause to have detained the ~~or~~ plaintiff. The plaintiff is not suppose to be in prison.

- (5) At all times relevant to this action. The above named defendant's have deprived the plaintiff of his 6<sup>th</sup> amendment right to a fair trial. After they used bribery of witnesses, withholding exculpatory evidence and interference with defence counsel to convict the plaintiff and then sentence him to "LIFE" of imprisonment.
- (6) At all times relevant to this action. The above named defendant's Conspiracy is still currently on going and running. For they have continued to keep the plaintiff detained while they run an on going investigation.
- (7) At all times relevant to this action. The above named defendant's actions were motivated by the fact of the plaintiff is unfortunately a lower class white recidivist offender.
- (8) At all times relevant to this action the above named defendants were partners in a Conspiracy to intimidate witnesses

From testifying in the plaintiff's behalf. And to intimidate witnesses to testify in their ~~own~~ behalf.

The plaintiff's injuries can be redressed by a favorable outcome to this action.

(9) At all times relevant to this action. The above named defendant defendants deprived the plaintiff of his 1<sup>st</sup> Amendment rights to be free of Retaliation, Defamation of character, to have free access to the courts.

(10) At all times relevant to this action. The defendants have deprived the plaintiff of his 4<sup>th</sup> Amendment rights to privacy. To be free of illegal search and seizure.

(11) At all times relevant to this action. The above named defendants deprived the plaintiff of his 5<sup>th</sup> Amendment right to due process.

(12) At all times relevant to this action. The above named defendants deprived the plaintiff of his

(6) Amendment right OF an Effective ASSISTANCE OF COUNSEL. And interference with his Right to legal COUNSEL. And his right to a FAIR trial

(3) At all times relevant to this action. The above named defendants deprived the plaintiff his 8<sup>th</sup> amendment right to be free from CRUEL AND UNUSUAL PUNISHMENT AND TO BE FREE OF INTENTIONAL INFILCTION EMOTIONAL DISTRESS.

(4) At all times relevant to this action. The above named defendants deprived the plaintiff OF HIS 14<sup>th</sup> AMENDMENT RIGHT TO DUE PROCESS AND EQUAL PROTECTION OF THE LAWS.

#### MATERIAL FACTS AS THEY ARE RELATED TO THE FACTS

(1) DeWayne Perkins. ORANGE CO SHERIFF'S DEPT. NAROTIC'S CONSPIRACY, 4<sup>th</sup> AMENDMENT VIOLATION, INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS

On or about April 2013

Officer Perkins conducted an illegal traffic stop on the vehicle that was being driven by the plaintiff. The stop was conducted without probable cause, which was in violation of the plaintiff's 4<sup>th</sup> Amendment's right to be free from illegal traffic stops.

Officer Perkins gained permission to search the vehicle from the owner, Mary Ann Frezit. Several officer's conducted a search and nothing was discovered. It was then discovered that the plaintiff had a warrant for failure to id. And he was then placed under arrest.

Officer Perkins issued a traffic ticket, which is still currently pending in Orange County.

(2) Robert Strause, Orange County Sheriff's Dept. Narcotics Conspiracy, 4<sup>th</sup> Amendment violations, 1<sup>st</sup> Amendment violations, 2<sup>nd</sup> Amendment violations, 14<sup>th</sup> Amendment violations, 5<sup>th</sup> Amendment violations, False complaints, False arrest, Excessive Force, Intimidation of witnesses, Intentional infliction of emotional distress

on or about April 2013

LT. STRAUSE ARRIVED AT THE SCENE OF WHERE  
OFFICER PERKINS HAD THE PLAINTIFF'S VEHICLE STOPPED.

LT. STRAUSE CONDUCTED HIS OWN SEARCH OF  
THE VEHICLE THAT THE PLAINTIFF HAD BEEN DRIVING.  
AND HE IMMEDIATELY DISCOVERED SOMETHING THAT HE  
CLAIMED TO BE METHAMPHETAMINE

LT. STRAUSE FAILED TO FOLLOW THE RULES AND  
REGULATIONS AND POLICIES OF BEING A POLICE OFFICER  
AND A SUPERVISOR OVER THE REST OF THE NARCOTICS  
OFFICERS. WHEN HE FAILED TO CONDUCT A FIELD TEST  
ON WHATEVER SUBSTANCE THAT HE "ALLEGEDLY" FOUND.

INSTEAD, LT. STRAUSE PLACED BOTH PARTIES  
UNDER ARREST FOR BEING IN POSSESSION OF  
METHAMPHETAMINE

THIS WAS IN VIOLATION OF THE PLAINTIFF'S  
14<sup>TH</sup> AMENDMENT RIGHT TO BE FREE OF A FALSE ARREST.

ON OR ABOUT AUGUST 2013

LT. STRAUSE RECRUITED CONFIDENTIAL INFORMANT  
ANTHONY ELYAS AND HE BROUGHT UP THE  
PLAINTIFF'S NAME AS A TARGET.

THIS WAS IN VIOLATION OF THE PLAINTIFF'S 4<sup>TH</sup> AMENDMENT  
RIGHT TO BE A "TARGET" WITHOUT PROBABLE CAUSE.

LT. STRAUSE WAS MOTIVATED TO "TARGET" THE PLAINTIFF BECAUSE HE WAS A LOWER CLASS WHITE RECIDIVIST OFFENDER.

ON SEPTEMBER 16, 2013

LT. STRAUSE FILED AN AFFIDAVIT WITH A JUSTICE OF THE PEACE, TO OBTAIN A WARRANT TO AUDIO RECORD THE PLAINTIFF IN ORDER TO CONDUCT AN ALLEGED PURCHASE OF 14. GRAMS OF METHAMPHETAMINE.

AND USING CONFIDENTIAL INFORMANT ANTHONY ELYAS.

BUT THE AFFIDAVIT WAS FILLED WITH LIES.

IT STATED THAT LT. STRAUSE ARRESTED THE PLAINTIFF IN APRIL 2013 IN POSSESSION OF METHAMPHETAMINE AFTER A TRAFFIC STOP AND \$2,500 BUCKS.

BOTH THE TRAFFIC STOP AND DRUG CHARGES WERE BASELESS. SO THIS WAS IN VIOLATION OF THE PLAINTIFF'S 14<sup>TH</sup> AMENDMENT RIGHT TO THE EQUAL PROTECTION OF THE LAW AS WELL AS HIS 4<sup>TH</sup> AMENDMENT RIGHT TO PRIVACY. BECAUSE WITHOUT THE LIES IN THE AFFIDAVIT, IT WOULDN'T OF HAD STANDING TO

OBTAIN A WARRANT TO AUDIO RECORD THE PLAINTIFF.

IT ISN'T ILLEGAL TO OBTAIN \$2,500. THE PLAINTIFF JUST

HAD TO SELL HIS VEHICLE.

ON September 17, 2013

LT. STRAUS, obtained a warrant to video record the Plaintiff. The probable cause was the audio recording of the alleged 14 gram purchase from the day before.

Again, using "Elyas" LT. STRAUS conducted an alleged purchase of 88 grams of methamphetamine.

But the Plaintiff was not immediately arrested. Instead, LT. STRAUS consulted with Assistant U.S. Attorney Michelle Englage. And at her orders LT. STRAUS made arrangements for "Elyas" to purchase an additional 84 grams of methamphetamine.

ON October 23, 2013

LT. STRAUS using "Elyas" conducted a purchase of an alleged 84 grams of methamphetamine from the Plaintiff. And it was captured on a pin hole video recorder. 4th Amendment violations.

As the Plaintiff departed from Elyas' residence, authorities attempted to conduct a traffic stop on the Plaintiff's

Vehicle. But Officer's engaged into a high speed pursuit that ended after the plaintiff stopped his vehicle and ran into a wooded area where he was later discovered by a K-9 Search team.

The plaintiff was hiding next to a fallen tree. But as soon as he noticed the authorities and the K-9 had located his tee-shirt on the ground approximately 50 feet away from him. The plaintiff immediately sat up on his rear end and yelled out loud "Here I am, with my hands above my head. Do not shoot me." But C.T. Strouse, then tapped the K-9 officer on his shoulder and motioned for him to turn loose the K-9.

The plaintiff wind up with approximately 25 staples to his left leg. Because the officer's allowed the K-9 to continue to bite the plaintiff for awhile prior to them obtaining the dog.

③ Philip Smith, DEA, Beaumont TX. Div.

Conspiracy, 14<sup>th</sup> Amendment violations, Intentional infliction of emotional distress

On October 25, 2013

Mr. Smith, filed a False Complaint that was supported by an AFFidavit that contained lies. That were used to indict the Plaintiff.

The AFFidavit/complaint stated that A police offender had observed the Plaintiff throw a pistol, A black Ruger 9mm, out of the passenger side window of his vehicle while in the westbound lane. And that the pistol had went onto the right hand side of the roadway.

But the Ruger 9mm was not discovered on the westbound lane. It had been discovered on the eastbound lane an hour after the plaintiff's vehicle departed the interstate. And because an unidentified civilian reported it to the dispatcher. That there was a "gun" in the eastbound side of the interstate. The Plaintiff's fingerprints were not discovered on the Ruger 9mm.

The AFFidavit/complaint stated that the passenger Jessica Smith, observed the Plaintiff throw a Fanny pack out of the vehicle during the pursuit. In the exact location of where it had been discovered at two hours after the

plaintiff was in jail. It contained 564 grams of "Meth".

But the dash cam video of the pursuit from Sergeant Sorges Patrol unit shows that after the plaintiff's vehicle passed the area that the Fanny pack had not even been out there.

The plaintiff's fingerprints were not discovered on the fanny pack nor any of the plastic drug packaging inside of it. But there were someone else's fingerprints that were discovered on the plastic drug packaging but authorities failed to disclose those prints.

The affidavit/complaint state that the plaintiff had distributed 84 grams of "meth" to a confidential informant. But the prosecution didn't even have a cooperation agreement with Anthony Elyas to be a witness until nearly a year later. And only after they violated public law 18 U.S.C. 201 c.2, The Federal Anti Bribery of a witness statute.

This was in violation of the plaintiff's 14<sup>th</sup> Amendment rights to Due Process and Equal protection of the law. To be deprived of his liberty without the promises of first being indicted by probable cause.

(4) ~~Robert~~

Michelle Englace, Assistant United States Attorney  
Conspiracy, 5<sup>th</sup> and 14<sup>th</sup> Amendment violations, 1<sup>st</sup> Amendment  
Violations, 6<sup>th</sup> Amendment violations, Intention Infliction  
of Emotional distress.

On November 6, 2013,

Ms. Englace, indicted the Plaintiff based  
off of facts that she had known were  
Fabricated.

This was in violation of the Plaintiff's  
14<sup>th</sup> Amendment rights to due process and equal  
protection of the law, to be deprived of his  
life and liberty by the use of lies and without  
probable cause. It was also in violation of  
the rules and regulations of being a prosecutor.

(5) Robert Strause

(Adopted from #2)

On November 9, 2013,

L.T. Strause Filed a police report that  
he had known was based off of FASIF'd

(16)

facts. The police report stated that United States witness Jessica Smith stated that as the plaintiff turned his vehicle onto County Road 7079, that he threw the fanny pack out of the driver's side window of the car and back over the right top side and that the fanny pack had went next to the telephone pole.

Now that telephone pole was 127 feet away from the driveway of where the plaintiff car had passed down the day before, and a K-9 search team searched the entire area the night before.

Also, the dash cam video of the police pursuit clearly proved that the fanny pack was not out there anywhere after the plaintiff's vehicle passed the area.

LT. Straue's report stated that Sergeant Tracy Jorge observed the plaintiff throw a black Ruger 9mm pistol out of the passenger's side window in the westbound lane.

This was in violation of the rules, regulations and policies of being a police officer to file a report that was based off of known lies or facts that were not accurate with the facts of the case.

Aswellas, the rules, regulations, policies of the Sheriff's department and as being a narcotics officer's supervisor to turn over a case to be prosecuted ~~or~~ when there wasn't a chain of custody or the evidence that linked it to the suspect.

This was in violation of the plaintiff's 14<sup>th</sup> Amendment rights of Due process and equal protection of the law to deprive the plaintiff of his liberty interest without due process.

(6) Jessica Smith, United States witness  
Conspiracy, 14<sup>th</sup> and 5<sup>th</sup> amendment violations

On or About November 9, 2013

Ms. Smith, provided a false statement against the plaintiff. She stated in a written statement, Aswellas, a video recorded interview that she observed the plaintiff throw the fanny pack out in the exact same area of where it had been discovered at the next day.

Ms. Smith, also, advised LT. Strause, that she did not observe the plaintiff throw the black Ruger 9mm out of the vehicle and when LT. Strause asked her

the color of the Ruger 9mm. Ms. Smith, stated  
that it WAS Crome" in color.

This was in violation of the Plaintiff's 14<sup>th</sup>  
Amendment right's to Dueprocess and equal protection  
of the law. To be free from FALSE Statement's, Aswellas,  
his 1<sup>st</sup> amendment right's to be free from Defamation  
of character. Ms. Smith, also violated state law to  
provide a FALSE statement. Which resulted in the  
plaintiff being deprived of his liberty interest.

⑦ Tracy Sorge, Orange co. Sheriff's dept. Narcotic's Sgt.  
Conspiracy. 5<sup>th</sup> Amendment 14<sup>th</sup> Amendment. 1<sup>st</sup> Amendment  
Intentional Infliction of EMOTIONAL distress

on or About November 13, 2013

Sargent Sorge provided a FALSE Police report  
against the Plaintiff. When he claimed to have  
observed the Plaintiff throw a black Ruger 9mm  
pistol out of the "drivers" side window while  
traveling Westbound. And that the pistol flew  
over the median and onto the eastbound side  
of the interstate.

This was in violation of the Plaintiff's

14<sup>th</sup> Amendment rights to be free from false complaints, false arrest, and to the equal protection of the law. Sergeant Sarge's false report resulted in the plaintiff being deprived of his life and liberty interest.

(8) Michelle Englace  
(Adopted from #4)

on or about JANUARY 2014.  
Ms. Englace contacted Anthony Elyas, to be a witness for the United States but he refused to cooperate.

The agreement that Mr. Elyas had with C.J. Strange and the Orange Co. Sheriff's Dept. was one that did not require for Mr. Elyas to be a witness had the plaintiff gone to trial. And that promise Mr. Elyas confidentiality.

The Orange Co. Sheriff's Dept. dismissed a pending possession of "Meth" case against Mr. Elyas for his assistance with the investigation of the plaintiff.

(9) Mitch Templeton, C.J.A. appointed attorney  
Conspiracy, 6<sup>th</sup> Amendment violations, 14<sup>th</sup> Amendment violations

FEBRUARY 2014

United States witness Jessica Smith, went into, Mr. Templeton's, office and provided "Sworn" testimony to a court reporter. And she admitted that the plaintiff did not throw the Franny Pack out of the vehicle as she stated to, Lt. O'trause, in her statements. Ms. Smith, agreed to become a defense witness and testify to the "Sworn" testimony that she provided.

Ms. Smith, also advised, Mr. Templeton, that Lt. Strause, had coerced her into providing the earlier false statements.

But, Mr. Templeton failed to report the crime to the authorities and he failed to get it on the record during, Ms. Smith's, sworn testimony. Because he did not want to make anyone lose their job. That is what he advised the plaintiff.

This was in violation of the plaintiff's 14<sup>th</sup> amendment rights to equal protection of the law, as well as, his 6<sup>th</sup> amendment right to an effective assistance of counsel. Mr. Templeton failed to provide the plaintiff with another palm print test after the prosecutor claimed the first two were unusable.

(D) Robert Strause

(Adopted from #2)

MARCH 2014

L.T. STRAUSE, ARRESTED, CONFIDENTIAL INFORMANT,  
ANTHONY ELYAS, AFTER HE DISCOVERED A "SAWED OFF"  
SHOTGUN IN HIS BACKYARD ON THE OUTSIDE OF HIS HOME.

(11) Michelle Englage  
(Adopted From #4)

April 2014

MS. ENGLAGE, INDICTED, ANTHONY ELYAS, ON THE  
FELON IN POSSESSION OF A FIREARM CASE. AND SHE  
IMMEDIATELY APPLIED THE ARMED CAREER AND THE  
CRIMINAL OFFENDER SENTENCE ENHANCEMENTS TO HIS  
CASE AS A WAY TO INTIMIDATE HIM <sup>INTO</sup> COOPERATING  
AND BEING A WITNESS. BECAUSE, MR. ELYAS,  
DIDN'T EVEN HAVE THE PAST CRIMINAL HISTORY  
PREDICATES TO HAVE LEGALLY RECEIVED THE SENTENCE  
ENHANCEMENTS.

This was in violation of Public Law 18 U.S.C.  
201 C.2. Bribery of a witness.

(12) Robert Strause      Michelle Englage  
(Adopted From #2)      (Adopted From #4)

(23)

MAY 2014

The plaintiff was being detained and the entire time exercising his constitutional rights and refusing to plea guilty to an indictment that had been established by fabricated and misleading evidence to begin with. And that was both malicious and vindictive.

So, CT. Strause, targeted the plaintiff's 18-year old daughter and her mother, and raided their home, and discovered a small amount of "Meth" in the mother's room.

And, without probable cause he arrested the plaintiff's daughter on possession of "Meth" charges. For which, the case was eventually dismissed on his daughter.

There was a causal link between the plaintiff exercising his Constitutional rights and his daughter being arrested.

This was in violation of the plaintiff's 1<sup>st</sup> amendment right to be free of retaliation.

Ms. Englace, had the plaintiff transferred farther away from his home, by two extra hours.

and then placed in solitary confinement. All just because of the plaintiff would not plea guilty and insisted on a jury trial.

Ms. Englae, superseded the plaintiff's indictment three times. To include, branding, and carry and use to count two, possession of a firearm in relation to a drug offence. And then a Count Four, conspiracy, as well, filed for an 851 sentence enhancement to make certain the plaintiff would receive an automatic life term.

There was a causal link between the exercising of the plaintiff's constitutional rights and Ms. Englae's retaliation.

This was in violation of the plaintiff's 1<sup>st</sup> amendment right to be of Retaliation and his 6<sup>th</sup> amendment right to be free of a vindictive prosecution.

(13) Michelle Englae, Tracy Sorge, Jessica Smith.  
(Adopted from #2, #3, #5)

July - August 2014

In July of 2014, Ms. Englade repaneled a Federal grand jury. And she granted TRACY Sorge, immunity, to testify FALSELY before the grand jury. That he observed the plaintiff throw the Luger amm pistol out OF the driver's side window during the pursuit.

Ms. Englade, had known that it was a lie. And she permitted, defence witness JESSICA Smith, switch back over to become a witness for the United States. After she had been threatened by, CT. STRAUSSE.

Ms. Englade, violated the rules, regulations to allow Ms. Smith, to become a "Hostile" witness and commit perjury before a United State's Federal grand jury.

This was in violation of the plaintiff's 14<sup>th</sup> amendment right to due process and the equal protection of the law.

In, August 2014.

Ms. Englade, mailed, Anthony Elias' attorney, MC. Bonner, a letter and advised

him that if, MR. ELYAS, would agree to be a witness for the United States and testify in their behalf at the Plaintiff's trial then they would grant him a promised favorable plea bargain. But the Plea bargain would be granted and determined by the outcome of the trial.

A week later the United States and MR. ELYAS, entered into a Plea Agreement that dropped both of the career offender Sentence Enhancements in exchange for his favorable testimony at the Plaintiff's trial.

MS. Englage, finally turned over the Plaintiff's pretrial discovery to his attorney <sup>MR.</sup> BURBANK. But it took her 11 months to do so.

Had, MS. Englage, provided the Plaintiff's attorney with the pretrial discovery a lot sooner. Then the Plaintiff could've had an opportunity to review the evidence against him prior to trial and discovered that he was actually being detained as a violation of "due process" and he could've made

that his attorney failed the proper pretrial motions to dismiss the indictment. And then the plaintiff would've been released from detention. But since ms. Englade, failed to turn over the pretrial discovery and she then had a protection order placed on the discovery, to keep the plaintiff from discovering their crimes. The plaintiff wind up being convicted and received a life sentence.

This was in violation of the plaintiff's 1st amendment right to have free access to the courts.

270.

(14) Michelle Englade, Tracy Sorge, Jessica Smith,  
(Adopted from #4, #5, #6)

September 2014

Ms. Englade, granted four United States witness's immunity in exchange for testimony that was known to be perjury.

Jessica Smith, Tracy Sorge, Jimmy Samuel Anthony Elias. This was in violation of

(27)

the plaintiff's 6<sup>th</sup> Amendment right to a FAIR TRIAL  
and his 14<sup>th</sup> Amendment right to EQUAL PROTECTION  
of the LAW. And Public Law Bribery of witness Statute's, of previous  
Amendment to be used  
of a Plaintiff's of a prosecution.

Ms. Engle, also withheld EXCULPATORY  
evidence. The Finger prints that were  
recovered from the PLASTIC drug packaging.

The plaintiff provided his attorney Mitch Templeton  
with his palm print sample's in February of 2014.  
But he later claimed that the prosecutor  
claimed that the sample's were not ~~usable~~  
usable, and refused to permit the plaintiff  
to provide another sample.

(14) Thomas Burbank, C.J.A. Attorney, Intention Infliction of  
Conspiracy, 1<sup>st</sup> Amendment Violations, 5<sup>th</sup> Amendment, 6<sup>th</sup> Amendment, 8<sup>th</sup> Amendment, 14<sup>th</sup> Amendment, emotional distress

MAY - September 2014

MR. BUBANK, Failed to move to suppress  
the testimony of four government witnesses  
that testified to known perjury. He failed to  
move to suppress the Luger 9mm and the Fanny  
Pack (564 grams of meth) on the grounds of they did  
not have a chain of custody.

MR. Burbank failed to impeach, JESSICA Smith,  
Anthony Elias, Tracy Sorge, during cross exam.

He Failed to explain to the jury that the dashcam  
video proves that the FANNY PACK wasn't out there  
AFTER the plaintiff's vehicle passed the area.

He refused to permit the plaintiff to review  
his pretrial discovery or advise the plaintiff  
of all of the contents of his pretrial discovery  
until after trial had begun.

He Failed to advise the plaintiff of several  
Plea offers made by the prosecution.

MR. Burbank had agreed to a redacted version  
of the dashcam video of the police pursuit.

He agreed with the prosecutor to "cutout"  
the part of the video that proved the fanny  
pack wasn't out there.

He permitted JESSICA Smith, to testify  
that the sworn testimony that she provided  
to Mr. Templeton was the lie.

This was in violation of the plaintiff's  
1st Amendment right to free access to the court.

5<sup>th</sup> and 14<sup>th</sup> Amendment right to due process and equal  
protection of the law. 6<sup>th</sup> Amendment right by  
interference to an effective counsel

had Mr. Burbank done his job and put the government's case to an adversarial test. Then the plaintiff wouldn't be in prison today.

(5) Alobra Tullus, Confidential Informant (DEA U.S. Attorney)  
Conspiracy, 4<sup>th</sup> Amend., 5<sup>th</sup> and 14<sup>th</sup> Amend.

At orders of Assistant U.S. Attorney Michelle Englehardt, Ms. Tullus, went to visit the plaintiff at U.S.P. Pollock. In December 2015. And she wore a "wire" for the DEA. And, she was instructed to attempt to get the plaintiff to discuss an alleged past drug transaction. Ms. Tullus, also "spiked" the plaintiff's soft drink with stimulants provided to her by DEA.

The next day she forwarded inmate's at the prison emails that were lie's and accused the plaintiff of abusing her. The emails almost caused the plaintiff to be murdered.

Ms. Tullus, sent the emails so the plaintiff would wind up in a special housing unit cell. So it could be "bugged" by DEA.

(16) DEA Agent At U.S.P. Pollock December 2015  
Conspiracy, Due Process, 4<sup>th</sup> Amend.

This is the Agent who wired Ms. Tullos and the Special housing unit cell  
4<sup>th</sup> Amendment right to privacy and his 14<sup>th</sup> Amendment  
right to Due process. He bugged "the Plaintiff's" SHU cell. After Ms.  
Tullos sent the e-mails to other inmate's and after the Plaintiff was  
almost murdered.

(17) Baylor Wortham, Assistant U.S. Attorney.

Conspiracy, 14<sup>th</sup> amendment, Intentional Infliction of emotional distress

MR. Wortham, assisted in the prosecution  
& the Plaintiff.

MR. Wortham, misadvised, Judge Clark, at  
the Plaintiff's pretrial, on August 22, 2014, when  
he lied and said that there wasn't any  
fingerprint evidence in the Plaintiff's case.

MR. Wortham, also, solicited perjury from  
United States witness, Anthony Elyas. At the  
Plaintiff's trial, he asked Mr. Elyas, on  
direct exam was he receiving any benefit  
on his current felon in possession of a firearm  
case in exchange for his testimony and  
Mr. Elyas, responded that "no" he was not.

This was in violation of the Plaintiff's  
14<sup>th</sup> Amendment right to the equal protection  
of the law.

(18) Lauren Gaston, Assistant U.S. Attorney.

Conspiracy, 14<sup>th</sup> Amendment, Intentional infliction of emotional distress.

Ms. Gaston, was an Assistant in the Plaintiff's trial. And, She ~~did~~ Monitored the Plaintiff's mail and phone calls while he was in pretrial detention in Livingston TX.

This was in violation of the Plaintiff's right to Due Process.

(19) Robert Wells, Assistant U.S. Attorney.

Conspiracy, 14<sup>th</sup> Amendment.

Mr. Wells, was an ASSISTAT during the Plaintiff's trial.

(20) Christina Bickham, COURT Reporter

Conspiracy, 14<sup>th</sup> Amendment, 1<sup>st</sup> Amendment

Ms. Bickham, Failed to document EXONERATORY evidence for the Plaintiff's Post Conviction Proceedings.

On or about September 4, 2014. During trial. The Plaintiff advised the Judge, of how his trial counsel, Mr. Burbank, refused to allow him to review his pretrial discovery until after trial began. And he did not know that most of the evidence existed.

This was not documented, in the Plaintiff's trial transcripts. And it was in violation of the Plaintiff's Due Process and Equal Protection of the Law, As well as, Free Access to the Courts.

(2) William Barlow, Attorney for United States witness Chris Kelley Conspiracy

Mr. Barlow, represented the Plaintiff's co-defendant, Chris Kelley.

Mr. Barlow, had a copy of the pretrial discovery. So he had known that the government's case was based off of lies. And he failed to expose their corruption.

Instead, he advised his client to testify against the Plaintiff and seek a 5K1.

(2) Anthony Elias. United States witness  
Conspiracy.

MR. ELIAS, WAS THE CONFIDENTIAL INFORMANT WHO CT. STRAUDE USED IN HIS INVESTIGATION.

MR. ELIAS COMMITTED PERJURY ABOUT HIS COOPERATION AGREEMENT WITH THE UNITED STATES.

MR. ELIAS ASSISTED THE UNITED STATES TO COVER UP THEIR BRIBERY OF WITNESSES VIOLATIONS.

(3) Christopher Kelley. United States witness.  
Conspiracy

MR. KELLEY, WAS THE PLAINTIFF'S CO-DEFENDANT AND HE COMMITTED <sup>KNOWN</sup> PERJURY ABOUT HIS CRIMINAL HISTORY, AS WELL AS BEING INVOLVED IN A CONSPIRACY WITH THE PLAINTIFF.

(2) John Tarver. Chief. Orange Co. Sheriff's dept.  
Conspiracy. Failure to Train and Supervise.

Failed to enforce rules, regulations, policies.

MR. TARVER, IS THE CHIEF OF THE SHERIFF'S DEPT. HE SHOULD HAVE KNOWN WHAT HIS EMPLOYEES WERE DOING OR HE APPROVED OF (3) THEIR MISCONDUCT.

(25) Jimmy Samuel. United States witness  
Conspiracy.

Mr. Samuel, committed perjury and/or  
testified to information that wasn't accurate  
to the facts of the plaintiff's case.

Mr. Samuel, testified that the plaintiff  
confessed to throwing the Fanny pack and  
the drugs next to the telephone pole as he pulled  
his vehicle onto County Rd. 7079.

But the dashcam video of the pursuit proved this  
to have been impossible.

(26) Keith Merritt. Sheriff. Orange Co. Sheriff's dept.  
Conspiracy. Failure to train and supervise.

Mr. Merritt, is the Sheriff of Orange Co.

He should've known what his employees.

Lt. Etienne, Tracy Darger, John Taver, were up to.  
Or he approved of their misconduct.

He should've set rules, regulations, policies to  
prevent things like this from happening  
and he failed to enforce the rules that  
were in place

(27) Laughlin- Orange TEXAS NARCOTIC's OFFICER CONSPIRACY.

MR LAUGHLIN, IS THE NARCOTIC'S OFFICER WHO ASSISTED LT STRAUSS, IN HIS INVESTIGATION OF THE PLAINTIFF ON OCTOBER 23, 2013. HE OPERATED THE SURVEILLANCE

(28) McBride. A.T.F. Agent.  
CONSPIRACY. 14<sup>TH</sup> AMENDMENT DUE PROCESS

MR. MCBRIDE, WAS THE A.T.F. AGENT WHO INVESTIGATED THE FELON IN POSSESSION OF A FIREARM COUNT THREE OF THE PLAINTIFFS INDICTMENT.

MR. MCBRIDE, HAD KNOWN THAT THERE WASN'T PROBABLE CAUSE TO CHARGE THE PLAINTIFF FOR THE RUGER AMM. AND THAT SERGEANT SORGE WAS LYING. AND MR. MCBRIDE WITHHELD THE IDENTITY OF THE CIVILIAN WHO REPORTED THE RUGER AMM IN THE EASTBOUND LANE.

(29) Leceaux- Beaumont TEXAS city police K-9 OFFICER CONSPIRACY. EXCESSIVE FORCE.

Mr. Ledeaux, was the K-9 officer who turned the K-9 lose on the plaintiff even though his hands were held high above his head.

Because Lt. Strause had him let the dog lose to attack the plaintiff. And then allowed the K-9 to bite the plaintiff's leg for awhile.

(30) Mr. Bonner, C.J.A Attorney for U.S. witness Anthony Elias.  
Conspiracy:

Mr. Bonner, assisted in the public law Bribery of a witness violation. By allowing it to take place and not saying anything.

(31) Clark, Orange Co. Deputy.  
Conspiracy:

Mr. Clark is the deputy who responded to the dispatcher's alert and then found the Ruger gun in the eastbound lane.

He has known that Sergeant Sarge didn't witness the plaintiff throw it out.

(32) Captain. Orange Co. Sheriff's dept  
Conspiracy. Failure to train and supervise

The Captain APPROVED OF LT. STRAUSS AND  
Sergeant SORGE to file FAKEABLE STATEMENTS  
AND COMMIT PERJURY AT TRIAL.

(33) U.S. Attorney Beaumont TEXAS  
Conspiracy. 14<sup>th</sup> Amendment DUE PROCESS. FAILURE TO SUPERVISE

The U.S. Attorney, had APPROVED FOR MS. ENGLADES  
to proceed and prosecute the PLAINTIFF'S CASE.  
Even though, he was indicted by FABRICATED  
AND MISLEADING EVIDENCE. He FAILED to ENFORCE RULES, POLICIES.

(34) U. S. Attorney. LUFKIN TEXAS  
Conspiracy. FAILURE TO SUPERVISE

The U.S. Attorney, APPROVED FOR LAUREN GASTON,  
AND, ROBERT WELLS TO PURSUE A PROSECUTION  
THAT WAS MALICIOUS VINDICTIVE. AND IN VIOLATION  
OF THE PLAINTIFF'S DUE PROCESS AND EQUAL PROTECTION  
OF THE LAW RIGHTS. HE FAILED TO ENFORCE RULES  
REGULATIONS' POLICIES.

(35) Supervisor for Assistant United States Attorneys Beaumont. Conspiracy. Due process. Intentional Infliction of emotional distress. Failure to train and supervise.

This supervisor gave Ms Engle and Baylor Wortham, permission to proceed to violate the plaintiff's right to due process and equal protection of the law. Failed to enforce policies, rules.

(36) Supervisor for Assistant U.S. Attorneys CUFKIN TX. Conspiracy. Due process. Failure to train and supervise

This supervisor gave permission to L. Gaston and R. Wells to prosecute the plaintiff's case and violate his rights to due process and equal protection of the law. Failed to enforce.

(37) DEA Supervisor. Beaumont TX. Conspiracy. Due process. Failure to train and supervise.

This supervisor gave permission to Philip Smith to violate the plaintiff's due process rights by filing a falsified complaint to indict the plaintiff or he failed to make a rule, or, enforce regulation to prevent his from filing false complaints. and he gave permission to audio record plaintiff at U.S.P. Pollock.

(38) ATF Supervisor, Beaumont TX,  
Conspiracy, Due Process, Failure to Supervise and train

This supervisor gave permission to Agent  
McBride to proceed to charge the plaintiff  
on the felon in possession of a firearm  
case. Even though, it was malicious.

(39) C.J.A. Attorney, for Jessica Smith  
Conspiracy, Due Process

This attorney assisted Ms. Smith, to commit  
perjury at the plaintiff's trial.

(40) Attorney for, Jimmy Samual, U.S. witness  
Conspiracy

This attorney assisted Jimmy Samual to  
testify falsely.

(41) DEA Lab Tech  
Conspiracy, Due Process

This lab tech had known that there were  
an unidentified witness' fingerprints recovered from the "Meth"

(42) Two unknown women investigators at U.S.P.  
Pollack, December 2015  
Conspiracy, Due process, Intentional emotional  
distress, 4<sup>th</sup> Amendment

These two investigator's assisted in the audio  
recording of the plaintiff while at visitation.

(43) Michelle Englae, Robert Strause  
(Adopted from #4 3#2)

On September 5, 2014  
while at the plaintiff's trial. Ms. Englae and  
LT. Strause, had a discussion while the jury  
were out to deliberate.

LT. Strause, asked Ms. Englae, permission  
to remove the cooperation agreement and letter  
between the United States and Anthony Elyas. From pretrial discovery,  
Ms. Englae, advised, LT. Strause, that "no" because  
the plaintiff had already seen it and that she  
could get "disbarred". But, Ms. Englae, advised  
LT. Strause, that they could get Philip Smith, to  
falsify a report to make it look like a conspiracy  
began elsewhere so the plaintiff could not

argue "government overreaching". But then they would also need one of Phillips informants who would be willing to get on the stand and lie. Had anyone taken the case to trial, Ms. Englae advised, Ct. Strause, that they would target the plaintiff's Visiter's once he got to prison. And, if he had only immediate kin on his visitation list. Then they would target the plaintiff's daughter. To attempt to get her to wear a wire to discuss an alleged drug transaction with the plaintiff.

(44) Robert Strause

Adopted #2

Approximately August 2015

Ct. Strause, attempted to entrap the plaintiff's daughter. By having the plaintiff's cousin to attempt to arrange for the plaintiff's ~~daughter~~ daughter to obtain some pills for the cousin.

(45) Michelle Englae.

(Adopted #4)

Ms. Englae currently has sealed Indictments on the Plaintiff. But she plans to keep them "SEALED" and push off the plaintiff's evidentiary hearing for as long as possible just so the plaintiff can't receive (43) Credit for his time he is serving.

## INJURY

Mental and emotional distress, depression, Anxiety,  
Panic Attacks, nightmares, past thoughts of  
Suicide. Contracted H.I.P.C., exposed to T.B.,  
deprived of life and liberty, Family.  
lost home.

## RELIEF

### MONETARY

\$ 25 Million + Punitive damages

### Injunctive

- (1) The plaintiff would like to be provided <sup>also</sup> a deception test about <sup>all of this</sup> ~~about all of this~~ for, C.T. STRAUBE, Cedeaux, Sorge, to be provided a deception test about the K-9 ATTACK OF PLAINTIFF
- (2) For, C.T. STRAUBE, JESSICA SMITH, MR. TEMPLETON, to be provided a deception test about the COERCION OF JESSICA SMITH.
- (3) For C.T. STRAUBE, MS. ENGLADE to be provided a deception test about their discussion about <sup>"D. SMITH"</sup> FALSIFYING evidence and getting his informant to lie in court.
- (4) For C.T. STRAUBE to be provided a deception test about trying to entrap the Plaintiff's daughter.

## CAUSE OF ACTION

All of the above named individuals while Acting under the color of Federal law, as well as, State law, under the borrowed employee doctrine, involving several agencies, using State and Federal law and its customs, policies, rules, regulations, did so, in concert, to violate the plaintiff's Civil rights, Constitutional rights of the United States of America.

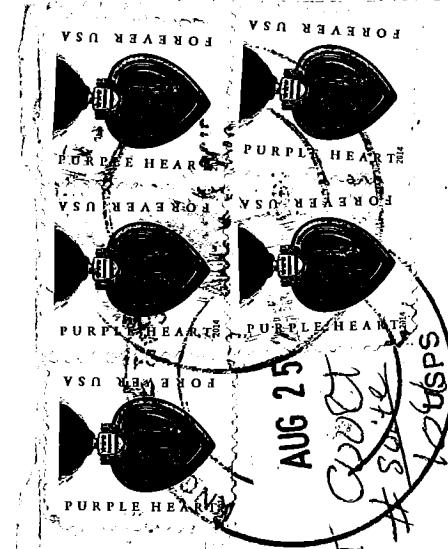
While he is entitled to redress

I, Jeremy James Wimberly, state that all of the above are true and correct facts to the best of my knowledge under the penalty of perjury. Pursuant to 28 U.S.C. 1746  
Executed on August 23, 2016, from [redacted]

JEREMY WIMBERLY 08/24/098

U.S.P. McCrary P.O. Box 3000

Pike Knot Ky. 417635



Sgt Lemire T M Berry 08941-078  
United States Penitentiary - McAcreny  
P.O. Box 35000  
Pine Knot Ky.  
424635

United States Penitentiary, McAcreny  
Pine Knot, KY 42463-0000  
Date:

The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has been neither opened nor inspected. If this writer receives a question or problem over which the facility has jurisdiction, you may wish to return the messenger for further investigation or clarification. If the writer wishes to change his address or forwarding to another address, please return the envelope to the above address.

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